

SENATE BILL No. 361

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-12-1-13; IC 4-13-2-14.1; IC 4-20.5-3-3.

Synopsis: State contract approvals. Provides that only the commissioner of the Indiana department of administration and the attorney general are required to approve contracts to which a state agency is a party. Repeals the requirement that the governor or the governor's designee approve state contracts for the acquisition of real property.

Effective: July 1, 2001.

Lawson C, Howard

January 16, 2001, read first time and referred to Committee on Public Policy.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE BILL No. 361

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 4-12-1-13 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 13. (a) During the
3 interval between sessions of the general assembly, the budget agency
4 shall make regular or, at the request of the governor, special
5 inspections of the respective institutions of the state supported by
6 public funds. The budget agency shall report regularly to the governor
7 relative to the physical condition of such institutions, and any
8 contemplated action of the institution on a new or important matter,
9 and on any other subject which such agency may deem pertinent or on
10 which the governor may require information. The budget agency shall
11 likewise familiarize itself with the best and approved practices in each
12 of such institutions and supply such information to other institutions to
13 make their operation more efficient and economical.
14 (b) Except as to officers and employees of universities and colleges
15 supported in whole or in part by state funds, the executive secretary of
16 the governor, the administrative assistants to the governor, the elected
17 officials, and persons whose salaries or compensation are fixed by the

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governor pursuant to law, the annual compensation of all persons employed by agencies of the state shall be subject to the approval of the budget agency. Except as otherwise provided by IC 4-15-1.8 and IC 4-15-2, the budget agency shall establish classifications and schedules for fixing compensation, salaries and wages of all classes and types of employees of any state agency or state agencies, and any and all other such classifications affecting compensation as the budget agency shall deem necessary or desirable. The classifications and schedules thus established shall be filed in the office of the budget agency. Requests by an appointing authority for salary and wage adjustments or personal service payments coming within such classifications and schedules shall become effective when approved by, and upon the terms of approval fixed by, the budget agency. All personnel requests pertaining to the staffing of programs or agencies supported in whole or in part by federal funds are subject to review and approval by the state personnel department under IC 4-15-1.8 and IC 4-15-2.

(c) The budget agency shall review and approve, for the sufficiency of funds, all payments for personal services which are submitted to the auditor of state for payment.

~~(d) The budget agency shall review all contracts for personal services or other services and no contract for personal services or other services may be entered into by any agency of the state before the written approval of the budget agency is given. Each demand for payment submitted by an agency to the auditor of state under these contracts must be accompanied by a copy of the budget agency approval. No payment may be made by the auditor of state without such approval. However, this subsection does not apply to a contract entered into by:~~

~~(1) a college or university supported in whole or in part by state funds; or~~

~~(2) an agency of the state if the contract is not required to be approved by the budget agency under IC 4-13-2-14.1.~~

~~(e)~~ (d) The budget agency shall review and approve the policy and procedures governing travel prepared by the department of administration under IC 4-13-1, before the travel policies and procedures are distributed.

~~(f)~~ (e) The budget agency is responsible for reviewing and advising the governor, as chief executive of the state, or the governor's designee, as to whether any agreement reached pursuant to public employee collective bargaining as provided by statute, other than IC 20-7.5-1, is within the money legally available to the state as an employer.

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~~(g)~~ **(f)** The budget director, or the director's designee, may serve as a member of the negotiating team selected to represent the state as an employer in the public employee collective bargaining procedure pursuant to statute, other than IC 20-7.5-1.

~~(h)~~ **(g)** The budget agency may adopt such policies and procedures not inconsistent with law as it may deem advisable to facilitate and carry out the powers and duties of the agency, including the execution and administration of all appropriations made by law. IC 4-22-2 does not apply to these policies and procedures.

SECTION 2. IC 4-13-2-14.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14.1. (a) A contract to which a state agency is a party must be approved by the following persons:

~~(1)~~ **(1)** The head of the agency.

~~(2)~~ **(1)** The commissioner of the Indiana department of administration.

~~(3)~~ **(2)** The director of the budget agency. The director of the budget agency is not required to approve a contract:

~~(A)~~ **(A)** for supplies under IC 5-22, unless the budget agency is required to approve the contract under rules or written policies adopted under IC 5-22; or

~~(B)~~ **(B)** for public works under IC 4-13-6, if the estimated cost of the contract is less than twenty-five thousand dollars (\$25,000).

~~(4)~~ **(2)** The attorney general, as required by section 14.3 of this chapter.

~~(5)~~ **(3)** The governor, if the contract involves:

~~(A)~~ **(A)** the sale, purchase, or lease of real property; or

~~(B)~~ **(B)** a public works project with an estimated cost of one hundred thousand dollars (\$100,000) or more.

(b) Each of the persons listed in subsection (a) may delegate to another person the responsibility to approve contracts under this section. The delegation must be in writing and must be filed with the Indiana department of administration.

(c) The Indiana department of administration may adopt rules under IC 4-22-2 to provide for electronic approval of contracts. Rules adopted under this subsection must provide for the following:

(1) Security to prevent unauthorized access to the approval process.

(2) The ability to convert electronic approvals into a medium allowing persons inspecting or copying contract records to know when approval has been given.

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1 The rules adopted under this subsection may include any other
2 provisions the department considers necessary.

3 (d) The Indiana department of administration shall maintain a file
4 of information concerning contracts and leases to which a state agency
5 is a party.

6 SECTION 3. IC 4-20.5-3-3 IS REPEALED [EFFECTIVE JULY 1,
7 2001].

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